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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

UNITED STATES OF AMERICA

CRIMINAL ACTION NO. 06-30043-2

VERSUS

JUDGE ROBERT G. JAMES

LACURTIS DUNN

MAG. JUDGE KAREN L. HAYES

MEMORANDUM ORDER

Pending before the Court is a Motion for Reconsideration of A Further Reduction

Pursuant to Retroactive Guideline Amendment 706 Based on Facts Not Considered (“Motion for Reconsideration”) [Doc. No. 251] filed by Defendant LaCurtis Dunn (“Dunn”) in the above-referenced matter.

The Court has previously considered whether to reduce Dunn’s term of imprisonment based on the revisions to Section 2D1.1 to the United States Sentencing Guidelines, as provided under 18 U.S.C. § 3582(c)(2). After reviewing the memoranda of the Government and Dunn on July 22, 2008, the Court issued a Ruling and Amended Judgment [Doc. Nos. 238 & 239], reducing Dunn’s term of imprisonment from the high end of the previous Guideline range, 108 months, to the high end of the current Guideline range, 87 months.

On August 11, 2008, Dunn filed an appeal of the Court’s Ruling and Amended Judgment. [Doc. No. 240]. That appeal remains pending.

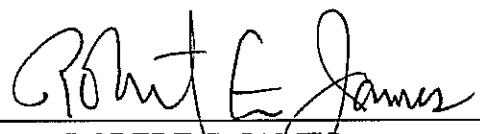
On June 4, 2009, Dunn filed the instant Motion for Reconsideration. Dunn apparently bases his motion on the new position of the Department of Justice “advocating completely eliminating crack/powder disparity. President Obama, the United States Attorney General

Office, and the new Drug Zcar [sic] Gil Kerlikowske, has all admant [sic] called for the total elimination of any disparity between powder/crack cocaine." [Doc. No. 251, p. 2].

Having reviewed Dunn's motion, the Court finds no basis to set aside its previous Ruling and Amended Judgment. The Court, like Dunn, is aware of the actions and statements of the Department of Justice. Advocacy in the political process does not result in a change to the Court's review of Dunn's sentence under 18 U.S.C. § 3582(c)(2). If and when there are any further revisions to the Guidelines for crack cocaine, the Court will again review Dunn's sentence.

Dunn's Motion for Reconsideration [Doc. No. 251] is DENIED.

MONROE, LOUISIANA, this 16 day of June, 2009.

  
ROBERT G. JAMES  
UNITED STATES DISTRICT JUDGE